

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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FRANCISCO ORTIZ, and FABIOLA NUNEZ-MAGANA,

Plaintiffs,

VS.

CITY OF NORTH LAS VEGAS, *et al.*,

Defendants.

2:14-cv-01838-GMN-VCF
ORDER

10 Before the court is Cal J. Potter, III, Esq.'s, C.J. Potter, IV, Esq.'s, and Potter Law Offices' Motion
11 to Withdraw as Counsel of Record for Plaintiffs (#19). Plaintiffs have not informed their counsel of their
12 current whereabouts. Plaintiffs have failed to communicate and update their contact information with
13 their counsel which resulted in counsel being unable to reach Plaintiffs. No hearing is currently scheduled
14 in this matter. Discovery closes on November 9, 2015. (#16). Trial has not been set.

Discussion:

Under Local Rule 7-2(d), [t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion. Here, no opposition has been filed and the time to oppose has passed.

Pursuant to Local Rule IA 10-6(b), “[n]o attorney may withdraw after appearing in a case except by leave of [c]ourt after notice has been served on the affected client and opposing counsel.” “Except for good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result.” LR IA 10-6(e). Nevada Rule of Professional Conduct 1.16(b)(5) provides that a lawyer may withdraw if the “client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.” Here, based on Plaintiffs’ counsel’s representation that Plaintiffs have

1 failed to communicate with their counsel, the Court permits counsel to withdraw. LR IA 10-6(b); NRPC
2 1.16(b)(5). The Court finds that permitting counsel to withdraw would not result in delay. LR IA 10-
3 6(e).

4 Accordingly, and for good cause shown,

5 IT IS HEREBY ORDERED that Cal J. Potter, III, Esq.'s, C.J. Potter, IV, Esq.'s, and Potter Law
6 Offices' Motion to Withdraw as Counsel of Record for Plaintiffs (#19) is GRANTED.

7 IT IS FURTHER ORDERED that the Clerk of the Court will mail a copy of this order to Plaintiffs
8 at the following address:

9
10 Francisco Ortiz
11 Fabiola Nunez-Magana
12 104 Palatial Pines Ave.
13 North Las Vegas, NV 89031

14 IT IS FURTHER ORDERED that Plaintiffs Francisco Ortiz and Fabiola Nunez-Magana must
15 either retain counsel or file a notice of appearing *pro se* within 30 days from the entry of this order.

16 The Plaintiffs must file with the Court written notification of any change of address.

17 IT IS SO ORDERED.

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19 DATED this 14th day of September, 2015.

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CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE